

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1772.

(Given pursuant to section 4 of the Food and Drugs Act.)

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#### MISBRANDING OF LEMON EXTRACT AND VANILLA EXTRACT.

On May 11, 1912, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the McIlhenny Co., a corporation, Avery Island, La., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 11, 1910, from the State of Louisiana into the State of Arizona, of quantities of extract of lemon and extract of vanilla which were misbranded. The extract of lemon was labeled: (On bottles) "Unsurpassed and Delicious—McIlhenny's Lemon—Pure Extract, McIlhenny Co., Avery Island, La., Successors to E. McIlhenny's son." (On cartons) "Sixteen Ounces. McIlhenny's Lemon—Guaranteed under Pure Food and Drugs Act of June 30, 1906; Serial No. 7402." The vanilla extract was labeled: (On bottles) "Unsurpassed and Delicious—McIlhenny's Vanila—Pure Mexican Extract McIlhenny Co., Avery Island, La., Successors to E. McIlhenny's Son." (On cartons) "Sixteen Ounces. McIlhenny's Mexican Vanila—Guaranteed under Pure Food and Drugs Act, June 30, 1906; Serial No. 7402."

Examination of samples of the above named products by the Bureau of Chemistry, United States Department of Agriculture, showed the following results: (Lemon extract) Volume, 15.39 ounces, 15.32 ounces, 15.49 ounces, 15.56 ounces, 15.39 ounces, 14.98 ounces, 15.49 ounces, 15.32 ounces; average, 15.38 ounces. (Vanilla extract) Volume, 16.33 ounces, 16.06 ounces, 13.36 ounces, 15.99 ounces, 15.55 ounces, 15.39 ounces, 16.06 ounces, 15.32 ounces; average, 15.51 ounces. Misbranding of the products was alleged in the information

for the reason that the bottles and the cartons containing the same were each labeled as set forth above, whereas the contents of the bottles aforesaid contained in the cartons did not equal in volume 16 ounces, as stated on the labels, but were less than 16 ounces, and that the product was misbranded in that, while the contents of the cartons were stated in terms of measure on the outside of the cartons or packages, they were not correctly stated.

On May 31, 1912, the defendant company entered a plea of guilty and was fined \$10 and costs.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 18, 1912.*

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